

**CALIFORNIA VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD**  
**OPEN MEETING MINUTES**  
**SEPTEMBER 19, 2003**  
**10:00 A.M.**  
**630 "K" STREET**  
**FIRST FLOOR HEARING ROOM**  
**SACRAMENTO, CALIFORNIA**

The California Victim Compensation and Government Claims Board convened its regular session at the call of Jacqueline R. Wilson, Deputy Director, Interagency Support Services, Department of General Services, acting for William J. Jefferds, Director, Department of General Services, Chairperson, who was present, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, September 19, 2003, at 10:00 a.m. Present were Board members David Rosenberg, Senior Advisor to the Governor, and Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller.

The Board, on a motion by Jackie Wilson, voted to have Mr. Rosenberg act as Presiding Officer for the September 19, 2003, meeting.

The Board meeting commenced with the pledge of allegiance.

Board staff present included Catherine Close, Interim Executive Officer; Judith Kopec, Supervising Staff Counsel; Chris Aceituno, Manager, and Donnel Toppila, Analyst, from the Government Claims Program. Melissa Turben, Legal Secretary, recorded the meeting. Also in the audience were Pete Williams, DEO, Victim Compensation Program; Carol Fieldhouse, DEO, Administration; Jennifer Shaffer, Staff Counsel and Acting DEO, Legislation; David Shaw, DEO, Revenue Recovery and Appeals Division; Shirley Ramudo, Chief, Audits and Investigations Branch; and Anita Ahuja, the Board Liaison.

**GOVERNMENT CLAIMS PROGRAM**

The Board commenced the Government Claims portion of the meeting at 10:03 a.m.

Item 1 **CLAIMANT: William J. Costa** **G521177**

The Board voted to adopt the claims examiner's recommendation.

Item 2 **CLAIMANT: Barstow Community Hospital** **G534216**

The Board voted to adopt the staff recommendation.

Item 3 **CLAIMANT: Ealon Hubbert aka Hubbert Systems Consulting** **G537240**

The Board voted to adopt the staff recommendation.

Item 4 **CLAIMANT: Ultrak Operating** **G536382**

The Board voted to adopt the staff recommendation.

Item 5 **CLAIMANT: Verizon California, Inc.** **G535634**

The Board voted to adopt the staff recommendation.

Item 6 **CLAIMANT: James E. Newman** **G535835**

The Board voted to adopt the staff recommendation.

Item 7 Staff presented the **Proposed Decision in the matter of claim number G537834, Quedellis Ricardo Walker, under Penal Code section 4900, et seq.** After a lengthy discussion, including comments from Mr. Walker and his attorney, the Board voted to modify the hearing officer's proposed decision to recommend to the Legislature that Mr. Walker be compensated for the time spent in custody after his conviction, a total of \$421,000.

Item 8 Staff presented the **Proposed Decision in the matter of claim number G525436, Gary Cecil, under Penal Code section 4900, et seq.** After discussion, the Board voted to adopt the proposed decision.

Item 9 Staff presented the **Proposed Decision in the matter of claim number G513586, Dennis Cerrano, under Penal Code section 4900, et seq.** The Board voted to adopt the proposed decision.

Item 10 Staff presented the **Request for Discharge from Accountability for Uncollectible Accounts pursuant to Government Code section 13940 et seq.** After review and discussion of the item, the Board voted to adopt the requests for discharge from accountability.

### **OTHER BUSINESS**

Item 11 The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated September 19, 2003, with the following changes:

Item 33 **Claimant: Jose Ayala** **G534688**

The claimant attended and presented additional information to the Board for consideration, the claim is continued.

Item 54 **Claimant: Angela M. Gholia** **G535899**

Claimant has additional information to submit for consideration and the Board continued the claim.

Item 119 **Claimant: David Morgan** **G537636**

Claimant wants to provide additional information for consideration. This claim is continued.

A.	Total claims awarded on consent	72	
	To be paid under GC § 965	20	\$153,768.53
	To be paid under claims bill	52	\$59,625.44
B.	Claims rejected on consent	244	

The Government Claims hearing was adjourned at 10:42 a.m.

### **BID PROTESTS**

Item 12 Judith Kopec, Supervising Staff Counsel, presented the Proposed Dismissal Without Further Hearing of the Request for Quotation (RFQ) No. 51249 of Unisys and IBM. The Board voted to adopt the staff recommendation to dismiss the protest without further hearing.

Item 13 Judith Kopec, Supervising Staff Counsel, presented the Proposed Dismissal Without Further Hearing of the Protest of the Invitation for Bid (IFB) No. 51814 of Old Country Millwork. The Board voted to adopt the staff recommendation to dismiss the protest without further hearing.

## **EXECUTIVE OFFICER'S REPORT**

Ms. Close briefly discussed the Contract Report for August 2003. Next, she highlighted several items from the Executive Officer's report, including the abolishment of the Office of Criminal Justice Planning (OCJP) on January 1, 2004, and the possible consolidation of victims' services. The Board's activities commemorating September 11<sup>th</sup> and the status of the federal grant to support these activities were discussed.

Jennifer Shaffer, Acting Deputy Executive Officer, Legislation, spoke about the current bills that are affecting the Board and its programs. The Board's new claims management system is in the evaluation stage and a contractor should be selected by September 30, 2003. The Executive Officer's report is attached for further information on these subjects.

## **VICTIM COMPENSATION PROGRAM**

The Board commenced the Victim Compensation Program portion of the meeting at 11:20 a.m.

### **CLOSED EXECUTIVE SESSION (GC § 11126(c)(3))**

Pursuant to Government Code section 11126(c)(3), the Board members adjourned into a closed Executive Session with the Board's Supervising Staff Counsel at 11:21 a.m., to deliberate on the proposed decisions that were taken under submission during the meeting.

The Board reconvened into an open session at 11:40 a.m.

### **PROPOSED DECISIONS**

Item 1 **CLAIMANT** **402819V**

The Board voted to adopt the proposed decision.

Item 2 **CLAIMANT** **590433V**

The Board voted to adopt the proposed decision.

Item 3 **CLAIMANT** **626135V**

The Board voted to adopt the proposed decision.

Item 4 **CLAIMANT** **677442V**

The Board voted to adopt the proposed decision.

Item 5 **CLAIMANT** **710680V**

The Board voted to adopt the proposed decision.

Item 6A **CLAIMANT** **713156V**

The Board voted to continue the item.

Item 6B **CLAIMANT** **713158V**

The Board voted to continue the item.

Item 6C **CLAIMANT** **713160V**

The Board voted to continue the item.

Item 7	<b><u>CLAIMANT</u></b>	<b><u>727940V</u></b>
The Board voted to continue the item.		
Item 8	<b><u>CLAIMANT</u></b>	<b><u>720189V</u></b>
The Board voted to adopt the proposed decision.		
Item 9A	<b><u>CLAIMANT</u></b>	<b><u>731311V</u></b>
The Board voted to modify the proposed decision by deleting footnote No. 4.		
Item 9B	<b><u>CLAIMANT</u></b>	<b><u>731315V</u></b>
The Board voted to modify the proposed decision by deleting footnote No. 4.		
Item 9C	<b><u>CLAIMANT</u></b>	<b><u>731317V</u></b>
The Board voted to modify the proposed decision by deleting footnote No. 4.		
Item 10	<b><u>CLAIMANT</u></b>	<b><u>736830V</u></b>
the Board voted to adopt the proposed decision.		
Item 11	<b><u>CLAIMANT</u></b>	<b><u>736915V</u></b>
The Board voted to continue the item.		
Item 12	<b><u>CLAIMANT</u></b>	<b><u>737255V</u></b>
The Board voted to adopt the proposed decision.		
Item 13	<b><u>CLAIMANT</u></b>	<b><u>738860V</u></b>
The Board voted to adopt the proposed decision.		
Item 14	<b><u>CLAIMANT</u></b>	<b><u>739498V</u></b>
The Board voted to adopt the proposed decision.		
Item 15	<b><u>CLAIMANT</u></b>	<b><u>739512V</u></b>
The Board voted to adopt the proposed decision.		
Item 16A	<b><u>CLAIMANT</u></b>	<b><u>743279V</u></b>
The Board voted to adopt the proposed decision.		
Item 16B	<b><u>CLAIMANT</u></b>	<b><u>743280V</u></b>
The Board voted to adopt the proposed decision.		
Item 16C	<b><u>CLAIMANT</u></b>	<b><u>743281V</u></b>
The Board voted to adopt the proposed decision.		
Item 17	<b><u>CLAIMANT</u></b>	<b><u>745326V</u></b>
The Board voted to continue the item.		
Item 18	<b><u>CLAIMANT</u></b>	<b><u>763221V</u></b>
The Board voted to adopt the proposed decision.		
Item 19	<b><u>CLAIMANT</u></b>	<b><u>767592V</u></b>
The Board voted to adopt the proposed decision.		

## **REQUESTS FOR RECONSIDERATION**

The Board voted to adopt the staff recommendations to deny the following requests for reconsiderations.

<b>20. CLAIMANT</b>	<b>230997V</b>
<b>21. CLAIMANT</b>	<b>401716V</b>
<b>22. CLAIMANT</b>	<b>680654V</b>
<b>23. CLAIMANT</b>	<b>685491V</b>
<b>24. CLAIMANT</b>	<b>702401V</b>
<b>25. CLAIMANT</b>	<b>705631V</b>
<b>26. CLAIMANT</b>	<b>710697V</b>
<b>27. CLAIMANT</b>	<b>715781V</b>
<b>28. CLAIMANT</b>	<b>731190V</b>
<b>29. CLAIMANT</b>	<b>733486V</b>
<b>30. CLAIMANT</b>	<b>742129V</b>
<b>31. CLAIMANT</b>	<b>747100V</b>
<b>32. CLAIMANT</b>	<b>748155V</b>
<b>33. CLAIMANT</b>	<b>749840V</b>
<b>34. CLAIMANT</b>	<b>756097V</b>
<b>35. CLAIMANT</b>	<b>760351V</b>
<b>36. CLAIMANT</b>	<b>762347V</b>
<b>37. CLAIMANT</b>	<b>764437V</b>
<b>38. CLAIMANT</b>	<b>707546V</b>
<b>39. CLAIMANT</b>	<b>712607V</b>
<b>40. CLAIMANT</b>	<b>724498V</b>
<b>41<sup>A</sup> CLAIMANT</b>	<b>724855V</b>
<b>41<sup>B</sup> CLAIMANT</b>	<b>724864V</b>
<b>42. CLAIMANT</b>	<b>726934V</b>
<b>43. CLAIMANT</b>	<b>756056V</b>
<b>44. CLAIMANT</b>	<b>768327V</b>

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn and action on claims for which a hearing was denied under the California Code of Regulations, title 2, section 647.20.1.

The Board voted to adopt Precedent Decision No. 03-02, in the Matter of the Application of E.G.

## **MISCELLANEOUS ITEMS**

The Board voted to adopt the August 22, 2003, Board Meeting minutes.

There was no further business except to confirm that the next board meeting would begin at 10:00 a.m. on October 24, 2003.

The meeting was adjourned at noon.

CATHERINE A. CLOSE  
Interim Executive Officer

-----

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of \_\_\_\_\_ at \_\_\_\_\_, California.

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Sandy Davidson  
Acting Board Liaison

*(Affix seal here)*